

ORDINANCES, MUNICIPAL CODE, RESOLUTIONS, AND MOTIONS - WHAT ARE THEY AND HOW ARE THEY USED IN NEWPORT?

Occasionally, a question arises about when to use an ordinance as opposed to a resolution or a motion. And, even more common are questions regarding how ordinances become a part of the Municipal Code; whether all ordinances become a part of the Municipal Code; and whether to reference ordinances that have become a part of the Municipal Code by the ordinance number or Municipal Code citation.

ORDINANCES

An ordinance is a city law. In Newport, the City Council's legislative authority is exercised in the form of ordinances, which are usually used to add, amend, or repeal sections of the Newport Municipal Code. The Municipal Code is a compilation of general ordinances. For example, ordinances are used to establish a sign code, regulate pinball machines, or levy a transient room tax. Ordinances may also involve any other subject matter where the intent is to establish a long-term rule, policy, or procedure. However, most ordinances are used for legislation that is subject to referendum. In certain circumstances, ordinances may be required by statute, city charter, or the municipal code. Some common examples include: granting franchises; withdrawing annexed territories from special districts; condemning real property; levying assessments; and adopting zone or comprehensive plan amendments.

In Newport, ordinances typically become effective thirty days from the date of adoption by the City Council. However, in certain circumstances, ordinances may be deemed to be an emergency, and become effective immediately upon adoption. For example, if the City Council adopts an ordinance on August 6, it would become effective on September 5, assuming it was not classified as an emergency ordinance.

Ordinances will typically be codified (made a part of the Municipal Code). Exceptions to this are ordinances that amend the zoning map, grant a franchise, withdrawing annexed territory from special districts, condemnation of real property, levy of assessments, and adopt comprehensive plan amendments. The city maintains a list of many of the ordinances on the website. Please note that when reviewing a specific ordinance provision, the Municipal Code citation should be relied on since the ordinance may only reflect a section of the code that has been modified. To understand the entire regulation in its proper context, the Municipal Code should be referred to.

MUNICIPAL CODE

The Municipal Code is the codification of the city's general ordinances. Codification is the process of consolidating general and permanent legislation, then organizing it into a code of ordinances. The legislation is organized by topic (animals, business, etc.). Once an ordinance is codified, or made a part of the municipal code, it is then generally referred to by its municipal code citation (chapter, section, etc. number), rather than its ordinance number. When researching issues, the Municipal Code should be used instead of relying on individual ordinances since the Municipal Code reflects all the

provisions related to a particular issue. The Municipal Code is located on the city's website, at www.newportoregon.gov, under "Doing Business with the City."

RESOLUTIONS

The City Council formally exercises its administrative or non-legislative authority in the form of resolutions. These decisions normally implement requirements of city ordinances and state statutes and deal with matters that are special, temporary, or change annually. Examples include city budgets, budget amendments, financial transfers, fees and charges, adoption of an official position on regional, state, or global matters, call an election, adopt Council Rules, and city personnel rules. A resolution is preferred when a separate written record of the action is required or desired. Resolutions are typically effective upon adoption unless a different date is specified. Resolutions are effective until its purpose is accomplished or, amended by another resolution or ordinance. Most resolutions are included on the city's website at www.newportoregon.gov; click on departments; click on "Administration;" click on "City Recorder;" and click on "Resolutions."

MOTIONS

Motions are less formal than ordinances and resolutions. Motions can be used to express an opinion, adopt or establish a policy, or direct further action. Motions are used to express an opinion, adopt or establish a policy, or direct further action. Motions are made orally and need only be seconded to be brought to discussion and vote. A motion must be adopted by a majority vote. The only documentation of a motion is in the City Council minutes.